

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7745-AG09-0415-075

IN THE MATTER OF:

Nellie Williams,
Respondent

8605 Spartan Ct.
Tampa, FL 33634

Indiana Non-Resident Insurance License No. 472262

Type of Agency Action: ENFORCEMENT

FILED

AUG 28 2009

STATE OF INDIANA
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge, John R. Kissling, Jr., having considered and reviewed all of the evidence, will now render a decision in the matter of Respondent Nellie Williams ("Respondent"), which came to be heard on the 18th day of June, 2009 at 11:30 AM. in the second floor conference room at the offices of the Indiana Department of Insurance ("Department"), 311 W. Washington St., Indianapolis, Indiana.

The Indiana Department of Insurance was represented by counsel, Nick Mann. Respondent was not present and unrepresented by counsel. Witnesses testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the Administrative Law Judge now makes the following Findings of Fact and Conclusions of Law, and issues his Recommended Order as follows:

FINDINGS OF FACT

1. Respondent has an non-resident producer license, license number 472262.

2. Respondent was sent notification of the hearing date and time by U.S. Certified Mail #7004 1160 0000 3840 6181.
3. On January 7, 2009, the Department received notification from Humana informing of an administrative action taken in Virginia. (Exhibit D).
4. The Department after investigating found that Respondent had an administrative action in Virginia on May 22, 2008; an administrative action in Georgia on December 20, 2006; and a Hillsborough County Florida November 2006, arrest. (Transcript pg. 8).
5. On February 6, 2009 the Department sent a letter to Respondent informing her that the Department had been notified of her administrative actions in Virginia and Georgia. The Department offered to settle without a hearing by Respondent paying a seven hundred (\$700.00) dollar fine within ten (10) days upon receipt of the letter. (Exhibit A).
6. Virginia rule to show cause from the State Corporation Commission, the Bureau of Insurance for that state, Virginia showed that Respondent failed to disclose six misdemeanor convictions for prostitution on a Georgia application and the Virginia application. (Exhibit C).
7. A copy of the Hillsborough County, Florida, clerk's court records reflect Respondent's November 18, 2006 arrest for robbery by sudden snatch, a third degree felony. (Exhibit E).
8. A copy of Hillsborough County, Florida, Clerk's court process docket shows an October 23, 1991 arrest for offer to commit prostitution. (Exhibit F).
9. The National Association of Insurance Commissions summary of regulatory actions taken against Respondent by other Departments of Insurance shows the Virginia license

revocation and the Georgia consent order wherein Respondent paid a three hundred (\$300.00) dollar fine as penalty for her license to be granted. (Exhibit G).

CONCLUSIONS OF LAW


1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. The Commissioner has the discretionary authority to revoke the Respondent's license to sell insurance and to fine Respondent.
4. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.
5. Respondent violated Indiana Code §27-1-15.6-17(b) with the failure to disclose her criminal prosecution/arrest, a third degree felony.
6. Respondent violated Indiana Code §27-1-15.6-17(a) for failure to report six misdemeanor convictions involving prostitution and the failure to disclose the administrative actions in Virginia and Georgia.
7. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

1. The Indiana Non-Resident Insurance Producer license of Respondent shall be permanently revoked.
2. Respondent shall pay a fine in the amount of two thousand dollars (\$2,000.00) within sixty (60) days of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 28th day of August, 2009.



John R. Kissling, Jr.
Administrative Law Judge

Distribution:

Nick Mann, Attorney
Indiana Department of Insurance
311 West Washington St., Suite 300
Indianapolis, IN 46204

Nellie Williams
8605 Spartan Court
Tampa, FL 33634